

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS (13 CCR), DIVISION 2, CHAPTER 6.5,
AMEND ARTICLE 1, SECTIONS 1202.1 AND 1202.2, AND ARTICLE 6, SECTION 1232.

MOTOR CARRIER SAFETY REGULATIONS - CONSISTENCY WITH TITLE 49, CODE OF FEDERAL REGULATIONS (CHP-R-03-16)

The California Highway Patrol proposes to amend the Motor Carrier Safety Regulations contained in Title 13, California Code of Regulations (13 CCR) to be consistent with the current version of adopted federal regulations in Title 49, Code of Federal Regulations (CFR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

13 CCR, Division 2, Chapter 6.5 contains the California Highway Patrol's Motor Carrier Safety Regulations. Article 1, Sections 1200 through 1202.2, contain the Definitions and General Provisions and Article 6, Sections 1229 through 1235 contain the Carrier Requirements.

(1) Section 1202.1

Currently, regulation incorporates by reference various publishing dates for 49 CFR. This amendment will incorporate 49 CFR as published on October 1, 2002, to replace all publication dates as they currently exist in this section. This will allow California carriers to discard their 1997 editions of the federal regulations, retaining only their 2002 editions.

(2) Section 1202.2

Currently, regulation incorporates by reference various publishing dates for 49 CFR. This amendment will incorporate 49 CFR as published on October 1, 2002, to replace all publication dates as they currently exist in this section.

(3) Section 1232, Subsection (e)

Subsection (e) currently incorporates by reference 49 CFR, Section 396.25, as published on October 1, 1997. This amendment replaces the existing publication date with the current 49 CFR publishing date of October 1, 2002. 49 CFR, Section 396.25 has not changed in the interim, so this update of 13 CCR 1232(e) serves to allow carriers to discard their 1997 edition of the federal regulations, retaining only the 2002 version.

PUBLIC COMMENTS

Any person may submit written comments on the proposed action via facsimile at (916) 446-4579, e-mail to *cvsregs@chp.ca.gov*, or by writing to:

California Highway Patrol
Commercial Vehicle Section - 062
ATTN.: Gary Ritz
PO Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 P.M., November 10, 2003.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the California Highway Patrol, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Gary Ritz or Mr. Cullen Sisskind, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Gary Ritz.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol

invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Sections 2402 and 34501.

REFERENCE

This action implements, interprets, or makes specific Vehicle Code Sections 2402 and 34501.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
S. H. PEREZ, Chief
Enforcement Services Division